



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OLC, MNDCT, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on November 2, 2022, wherein the Tenant sought the following relief:

- an Order that the Landlord comply with the *Residential Tenancy Act* (the "*Act*"), the *Residential Tenancy Regulation*, and/or the residential tenancy agreement;
- an order for monetary compensation from the Landlord in the amount of \$5,916.75; and
- recovery of the filing fee.

The hearing of the Tenant's Application was scheduled for 11:00 a.m. on March 14, 2023. Both parties called into the hearing. The Tenant appeared on her own behalf and was assisted by an agent, K.B. The Landlord also attended, as did his cousin, K.G.

At the outset of the hearing the parties confirmed the Tenant vacated the rental unit such that the Tenant's request for an Order that the Landlord comply with the *Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement was no longer relevant.

The Tenant's Agent stated that he did not assist the Tenant in the preparation or organization of her evidence as he was not involved with her claim when she filed in November of 2022. He confirmed it was the Tenant's wish to withdraw her Application and to reapply once she was able to properly prepare her materials. The Landlord did not object to this request.

I therefore record the Tenant's Application as being withdrawn.

The parties were reminded of section 60 of the *Act* which provides as follows:

Latest time application for dispute resolution can be made

60 (1) *If this Act does not state a time by which an application for dispute resolution must be made, it must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.*

(2) *Despite the [Limitation Act](#), if an application for dispute resolution is not made within the 2 year period, a claim arising under this Act or the tenancy agreement in relation to the tenancy ceases to exist for all purposes except as provided in subsection (3).*

(3) *If an application for dispute resolution is made by a landlord or tenant within the applicable limitation period under this Act, the other party to the dispute may make an application for dispute resolution in respect of a different dispute between the same parties after the applicable limitation period but before the dispute resolution proceeding in respect of the first application is concluded.*

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 15, 2023

Residential Tenancy Branch